

**DECLARATION OF JIAN NI, GUO-LIANG YU, PEDRO ALFONSO,  
JEFFREY SU AND REINER GENTZ UNDER 37 C.F.R. § 1.131**

Each of the inventors of U.S. Patent Application No. 08/761,289, filed December 6, 1996, and U.S. Patent Application No. 09/227,854, filed January 11, 1999, Jian Ni, Guo-Liang Yu, Pedro Alfonso, Jeffrey Su, and Reiner Gentz, hereby declare and state as follows:

1. I am an inventor of the subject matter described and claimed in the above U.S. Patent Applications, which are assigned to Human Genome Sciences, Inc. (HGS). The work described below occurred at HGS, which is located in Rockville, Maryland, U.S.A.

2. The above-identified patent application relates to the isolation and characterization of a cDNA encoding a novel gene product designated Chemotactic Cytokine 1 (CCI).

3. A cDNA clone designated "HALTA54" (479,617), was deposited with the American Type Culture Collection (ATCC) on September 25, 1995 and was assigned ATCC Accession Number 97304 (see Exhibit A). Exhibit B, attached hereto, is a redacted printout of data from the HGS electronic documentation system IRIS, which shows the nucleotide sequence (No. 479,617) corresponding to cDNA clone HALTA54. The "Date Sequenced" redacted from Exhibit B is prior to March 6, 1995. Exhibit C, attached hereto, is a redacted printout of a Batch Worksheet which evidences expression of the protein encoded by clone HALTA54 in a baculovirus

Any. Docker No.: PF210

expression system. The redacted date upon which this Batch Worksheet was generated is prior to March 6, 1995.

4. The nucleotide sequence disclosed in Exhibit B corresponds to the sequence disclosed in Figure 1 of the above-identified application and U.S. Provisional Application Serial No. 60/008,387, a copy of which is attached herewith as Exhibit D and E, respectively. The only differences between the sequence shown in Exhibits D and E is the exclusion from Exhibits D and E of the initial two G nucleotides and the final G nucleotide (i.e., nucleotides 1, 2 and 483) shown in Exhibit B. The cDNA clone HALTA54 (ATCC Deposit No. 97304) and Exhibit B both contain the entire sequence shown in Exhibits D and E.

5. I declare further that all statements made in this Declaration of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11/20/03

Jian Ni

Dated: \_\_\_\_\_

Gui-Liang Yu

Dated: \_\_\_\_\_

Pedro Alfonso

Dated: \_\_\_\_\_

Jeffrey Su

Dated: \_\_\_\_\_

Reiner Gentz

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Dated: \_\_\_\_\_

Jian Ni

Dated: 1/26/2002

Gui-Liang Yu

Dated: \_\_\_\_\_

Pedro Alfonso

Atty. Docket No.: PF210

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Su

Dated: \_\_\_\_\_

\_\_\_\_\_  
Reiner Genz

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Dated: \_\_\_\_\_

Jian Ni

Dated: \_\_\_\_\_

Gui-Liang Yu

Dated: 11/25/2002

Pedro Alfonso



Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Su

Dated: \_\_\_\_\_

\_\_\_\_\_  
Reiner Gentz

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Jian Ni

Dated: \_\_\_\_\_

Gu-Liang Yu

Dated: \_\_\_\_\_

Pedro Alfonso

Dated: \_\_\_\_\_

Jeffrey Su

Dated: 11/20/2002

Reiner Gentz

EXHIBIT A



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5320 Telex: 394-055 ATCCNORTH • FAX: 301-770-2537

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences  
Attention: Robert H. Benson  
9410 Key West Avenue  
Rockville, MD 20850

RECEIVED

HGS PATENT DEPT.

Deposited on Behalf of: Human Genome Sciences

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 479617 (Docket PF210)

97304

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description  
indicated above.The deposits were received September 25, 1995 by this International Depository Authority and have  
been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's  
right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United  
States Patent & Trademark Office or the depositor to release said strain.If the cultures should die or be destroyed during the effective term of the deposit, it shall be your  
responsibility to replace them with living cultures of the same.The strains will be maintained for a period of at least 30 years after the date of deposit and for a  
period of at least five years after the most recent request for a sample. The United States and many  
other countries are signatory to the Budapest Treaty.The viability of the cultures cited above was tested October 5, 1995. On that date, the cultures were  
viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Date: October 11, 1995

Received from &lt;3013098439&gt; at 2/20/03 3:56:00 PM (Eastern Standard Time)

**HGS**Human Genome Sciences, Inc.  
Sequence Worksheet  
HALTA54P**Exhibit B****Sequence Information**

Gene Name:

HGS Code: 479617

Sequence ID: HALTA54P

Library Name: Human Adult Liver

Library Catalog: H0147

Date Sequenced:

Lab Sequenced: HGS

Group ID: 20190

Class:

Date Scored:

Lab Scored: HGS

In Group: 35

Previous Class:

**Search Results**

Overlap | Score | Description

**Sequence**

LOCUS HALTA54P

483 bp

XXX UPDATED

DEFINITION

ORIGIN

1 GCGACGACCA CCGCTCTCTG CTTTCTCTG TACCTCCAC TTTCTCTGCA TTGAGCGCTT  
 61 AACATTTGCG TGGGAGAGTG ACGAACTTG AAGCAATCT GAGCGAAT TTCAATTTCT  
 121 TCCACCAATA CTCAGTTGCG AAGCGCGCT TTGACAGCT CTCYAGCGT GAGCTGAGC  
 181 AACTCTTTC AAGAGGCTT CCAACACCA TCAAGATAT CAAAGATTA GCTCTCATG  
 241 AATGAATAT CCAAGCGCT GATCTATAT AAGTGAACA GTCTGCTT CAGCAATTA  
 301 TATCTCTGCT AAGCTTGG CTGAGCGTG CCGATTAACA CAGCGAAG GAGTGGGAG  
 361 CTCCTCTGAG GCTTTTAC CAGCAATTC CTCATGAG GGGTCTTTC TTTCCTCTAC  
 421 CAAACCGG CTCAGCGCT GCGGCGAGT AAGATTAAT AACAGACTT ACGAAGTT  
 481 CTG

**Sequence Notes**

Human Genome Sciences, Inc.

Batch Worksheet

HG04900-B1: Chemotactic Cytokine I

Gene Name: Chemotactic Cytokine I

Batch Serial #: HG04900-B1

Created:

By:

Project Code: HG04900

Batch #: 1

Expression: Baculovirus

Qty Produced: 4.50

mg

Qty Remaining: 2.50

mg

Date Sent	Sent To	Amount	Purity	Analysis	Inv ID
	Testing	1.00	95		133
	J. NI	0.50	90		719
	J. NI	0.50	90		720

10 30 50  
CACGAGCACCCTGCTGGCTTTTGTCTGTAGCTCCACATTCTGTGCTTGGGGTTAA  
70 90 110  
CATTAGGCTGGGAAGATGACAAAACCTGAAGAGCATCTGGAGGGAATTGTCAATATCTTC  
M T K L E P H L E G I V N I F  
130 150 170  
CACCAATACTCAGTTCCGAAGGGGCATTTTGACACCTCTCTAAGGGTGAGCTGAACGAG  
H Q Y S V R K G H F D T L S K G E L K Q  
190 210 230  
CTGCTTACAAAGGAGCTTGCAAACACCATCAAGAATATCAAGATAAAGCTGTCTTGTAT  
L L T K E L A N T I K N I K D K A V I D  
250 270 290  
GAAATATTCCAAGGCCTGGATGCTAATCAAGATGAACAGGTCGACTTTCAAGAATTCTTA  
E I F Q G L D A N Q D E Q V D F Q E F I  
310 330 350  
TCCCTGGTAGCCATTGCGCTGAAGGCTGCCCATACCAACCCACAAAGAGTAGGTAGCT  
S L V A I A L K A A H Y H T H K E  
370 390 410  
CTCTGAAGGCTTTTTTACCCAGCAATGTCTCTCATGAGGGGTCITTTTCTTGCCTCACCA  
430 450 470  
AAACCCAGCTTGACCCCTGGGGGGAGTTAAGAGTTAATAACCACTTACGGAAAGTTCT

FIGURE 1 1/2



1/3

## FIG. 1

10 30 50  
C A G A G C A C C A C T G C T G G C T T T T G C T G T A G C T C C A C A T T C C T G T G C A T T G A G G G T T A A  
70 90 110  
C A T T A G G C T G G G A A G A T G A C A A A C T T G A G A G C A T C T G G A G G A A T T G T C A A T A T C T T C  
130 150 170  
M T K L E E H L E G I V N I P  
190 210 230  
C A C C A A T A C T C A G T T C G G A G G G G C A T T T G A C A C C T C T C T A A G G T G A G C T G A A G C A G  
H Q Y S V R K G H F D T L S K G E L K Q  
250 270 290  
C T G C T T A C A A G G A G C T T G C A A A C A C C A T C A A G A T A T C A A A G A T A A A G C T G C A T T G A T  
L L T K E L A N T I K N I K D K A V I D  
310 330 350  
G A A T A T T C C A A G G C C T G G A T G C T A A T C A A G A T G A A C A G S T C G A C T T C A A G A T T C A T A  
E I F Q G L D A N Q D E Q V D F Q E F I  
370 390 410  
T C C T G G T A G C C A T T G C G T G A A G G C T G C C C A T T A C C A C A C C A C A A A G A G T A G T A G C T  
S L V A A I A L K A A H Y H T H K E  
430 450 470  
C T C T G A A G G C T T T T T A C C C A G C A N T G T C T C A A T G G A G G G G T C T T T T C T T T G C C T C A C C A  
A A A C C C A G C T T G A C C C T T G G G G G A G T T A A G A G T T A A T A A C C A C A C T T A C G G A A A G T T C T